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## JUDGE SIGNS 60-DAY STIPULATION REGARDING WESTCHESTER COUNTY SUIT

A federal judge in New York last week approved a stipulation that will delay further court action in a suit over the midnight to 7 a.m. curfew at the Westchester County Airport in White Plains, N.Y. *(BA, Dec. 14/186).* Although Judge Robert J. Ward of the Federal District Court for the Southern District of New York signed the documents only last week, one of the judge's law clerks told *BA* the agreement was effective retroactive to Dec. 14. Other sources said the agreement actually became effective Dec. 23.

The stipulation will postpone any court action for at least 60 days while the parties in the suit attempt to work out a voluntary noise reduction program. The agreement was signed by representatives of the National Business Aircraft Association, the Aircraft Owners and Pilots Association, FAA and Westchester County. Another party to the suit over the curfew, Panorama Flight Service, decided not to sign the stipulation. Panorama has a contract to deliver Federal Reserve checks and needs to operate in the early morning hours when the curfew will remain in effect. Panorama's problem is viewed as a "special situation" by county officials and will not affect the agreement among the other parties. A spokesman for the county told *BA* that the county and Panorama hope to schedule a meeting to discuss that operator's special circumstances.

The agreement provides that the county will not enforce the provisions of the curfew from 6:30 a.m. to 7 a.m., which will permit operators at the airport to land or take off one-half hour earlier. In addition, FAA has agreed to raise the current departure ceiling on Runway 16 and to study the feasibility of raising the approach ceiling for Runway 34 to reduce noise impact around the airport.

As part of the agreement, pilots will be asked to minimize the noise impact of their flights to and from the airport. As part of that effort, NBAA has called a general membership meeting for Jan. 6 to explain the terms of the stipulation and encourage noise reduction efforts. The meeting will begin at 2 p.m. at the Ramada Inn-Armonk, which is located near the airport.

## RULING LEAVES DOOR OPEN FOR REHIRING SOME CONTROLLERS

A ruling by an independent federal board last week leaves open the possibility that come air traffic controllers who did not report for work after the Professional Air Traffic Controllers Organization called a strike on Aug. 3 may be rehired. However, the ruling by the Merit Systems Protection Board rejected a request by the union that appeals from more than 11,000 controllers who were fired for striking be consolidated.

The board said such issues as whether controllers willfully participated in the strike could be determined only by examining "the intent manifested by the individual appellants." The board also said controllers "who successfully demonstrate their absence from work at the time of the alleged strike resulted from duress, or a good faith belief that they were on approved leave, might be found not to have participated in the alleged unlawful strike."

The ruling is not expected to have any immediate effect since it will take months to schedule and hear the individual appeals. FAA officials have said repeatedly that controllers who could prove they had a legitimate reason for not reporting to work on Aug. 3 would be eligible to be rehired. An FAA spokesman said that as of last week only 48 controllers who had received termination notices have been rehired. Nearly 90 percent of those were rehired within a few weeks after the strike began.

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# STATUS OF AIRPORT AND AIRWAY TRUST FUND

## September 30, 1981

| | Current Month | Fiscal Year to Date |
|---|---|---|
| I. BALANCE - BEGINNING OF PERIOD | $ 4,999,206,647.76 | $ 5,442,347,162.06 |
| II. RECEIPTS: | | |
| A. Excise Taxes (Transferred from General Fund) | | |
| 1. Any Liquid fuel other than gasoline | -0- | (1,590,903.00) |
| 2. Tires used on aircraft | -0- | -0- |
| 3. Tubes used on aircraft | -0- | -0- |
| 4. Gasoline: | | |
| a. Commerical 4 cents tax | -0- | 102,413.31 |
| b. Non-commerical 4 cents tax | -0- | 1,912,335.63 |
| c. Non-commerical 3 cents tax | -0- | (806,092.00) |
| 5. Transportation by air, seats berths, etc | -0- | 18,573,862.00 |
| 6. Use of international travel facilities | -0- | 8,733,939.00 |
| 7. Transportation of property, cargo | -0- | (2,348,293.00) |
| 8. Use of civil aircraft | -0 | 538,571.00 |
| Total Tax receipts | -0- | 25,115,832.94 |
| B. Less Reimbursement to General Fund-Refund of Taxes and Estimated Tax Credits | | |
| 1. Commerical aviation gasoline | -0- | 825,776.00 |
| 2. Non-commerical gasoline | -0- | 790,281.00 |
| 3. Civil aircraft | -0- | 2,053,512.00 |
| 4. Any liquid fuel other than gasoline | -0- | -0- |
| 5. Gasoline - Retailer's tax | -0- | 71,683.00 |
| 6. Airline Ticket Refund | -0- | 9,523.00 |
| Total Reimbursement for Tax Refunds | -0- | 3,750,775.00 |
| Net Tax Receipts | -0- | 21,365,057.94 |
| C. Federal Payments | -0- | -0- |
| D. Transfers From the General Fund | -0- | -0- |
| E. Interst on Investments | 7,378,462.78 | 560,934,827.96 |
| Net Receipts | 7,378,462.78 | 582,299,885.90 |
| III. EXPENDITURES | | |
| A. Federal Aviation Administration | | |
| 1. Operations | 224,995,695.52 | 495,121,932.27 |
| 2. Grants-in-aid for airports | 33,419,755.03 | 469,043,423.07 |
| 3. Facilities and equipment | 22,535,163.93 | 252,414,133.58 |
| 4. Research and development | 6,803,138.25 | 89,140,411.33 |
| B. Aviation Advisory Commission-Salary and Expenses | -0- | -0- |
| C. Interest on Refunds of Taxes | -0- | 95,790.00 |
| Total Expenditures | 287,753,752.73 | 1,305,815,690.25 |
| IV. BALANCE-END OF PERIOD | 4,718,831,357.81 | 4,718,831,357.71 |

STATEMENT OF FINANCIAL CONDITION

| | | |
|---|---|---|
| ASSETS | | |
| Undisbursed Balances | | |
| Airport and Airway Trust Fund (20X8103) | $ 1,100.70 | |
| Operations | <34,932.27> | |
| Grants-in-aid for Airports | <3,799,863.29> | |
| Facilities and Equipment | 9,499,073.39 | |
| Research and Development | 1,497,979.18 | |
| Aviation Advisory Commission - Salaries and Expenses | -0- | $ 7,163,357.71 |
| INVESTMENT: U.S. TREASURY CERTIFICATES OF INDEBTEDNESS | | |
| 11-5/8% maturing June 30, 1982 | 4,711,668,000.00 | 4,711,668,000.00 |
| Total Assets | | 4,718,831,357.71 |
| LIABILITIES | | -0- |
| EQUITY: | | |
| Excess Assets over Liabilities | | 4,718,831,357.71 |
| Total Liabilities and Equity | | 4,718,831,357.71 |

Department of Treasury Chart

## COMMUTER CARRIERS FREIGHT TRAFFIC
### Third Quarter 1981
### (In Pounds)

| | July | Aug. | Sept. | 3rd Qu. 1981 | 9 Months 1981 |
|---|---|---|---|---|---|
| AAA Air Enterprise | 235,286 | 235,850 | 238,075 | 709,211 | 2,003,955 |
| Aeromech | 37,749 | 32,718 | 70,601 | 141,068 | 396,241 |
| Air Illinois | 9,057 | 8,390 | 11,150 | 28,597 | 77,957 |
| Air Kentucky | 8,644 | 8,011 | 10,018 | 26,673 | 77,944 |
| Air Oregon | 64,732 | 67,326 | 67,650 | 199,708 | 534,162 |
| Air Virginia | 4,650 | 5,477 | 6,906 | 17,033 | 32,538 |
| Antilles Air Boats* | 24,216 | 27,979 | - | 52,195 | 238,284 |
| Apollo Airways | 5,353 | 5,864 | 5,614 | 16,831 | 44,945 |
| Atlantic Southeast | 15,481 | 8,303 | 13,905 | 37,689 | 109,339 |
| Atlantis Airlines | 11,061 | 8,916 | 13,812 | 33,789 | 96,852 |
| Bar Harbor | 70,828 | 56,482 | 61,949 | 189,259 | 596,672 |
| Blackhawk Airlines | 102,419 | 92,129 | 89,753 | 284,301 | 904,105 |
| Brennan & Hargreaves | - | - | - | 1,777,000 | 8,162,246 |
| Chaparral Aviation | 50,435 | 37,400 | 50,105 | 137,940 | 328,240 |
| Comair | 5,250 | 4,950 | 6,925 | 17,125 | 45,450 |
| Crown Airlines | 35,795 | 28,095 | 37,137 | 101,027 | 343,649 |
| Cumberland Airlines | 46,626 | 23,156 | 37,082 | 106,864 | 311,481 |
| General Aviation | 942,993 | 1,246,726 | 1,133,533 | 3,323,252 | 9,304,070 |
| Gull Airways | 206,728 | 276,923 | 188,506 | 672,157 | 1,378,649 |
| Henson Aviation | 62,754 | 48,102 | 53,656 | 164,512 | 475,985 |
| Marco Island | 1,719 | 732 | 1,743 | 4,194 | 22,296 |
| PBA | 9,394 | 9,473 | 6,792 | 25,659 | 67,484 |
| Penn. Commuter | 47,668 | 36,549 | 37,798 | 122,015 | 478,429 |
| Pilgrim Airlines | 8,916 | 8,230 | 12,559 | 29,705 | 91,551 |
| Pioneer Airways | 9,671 | 9,898 | 8,019 | 27,588 | 108,479 |
| Pocono Airlines | 25,816 | 27,849 | 34,386 | 88,051 | 123,800 |
| Precision Airlines | 120,117 | 120,113 | 133,990 | 374,220 | 1,216,151 |
| Ransome Airlines | 77,327 | 59,668 | 56,658 | 193,653 | 629,724 |
| Royale Airlines | 25,965 | 25,920 | 29,976 | 81,861 | 211,784 |
| Scheduled Skyways | 21,590 | 20,665 | 26,786 | 69,041 | 150,225 |
| Suburban Airlines | 46,433 | 22,264 | 38,792 | 107,489 | 379,253 |

*ceased operations